

Exhibit L

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO.
2:12-MD-02327

THIS DOCUMENT RELATES TO:

CAROLYN LEWIS

CIVIL ACTION NO.
2:12-cv-04301

February 11, 2014
Charleston, WV

TRANSCRIPT OF TRIAL - DAY 2
BEFORE THE HONORABLE **JOSEPH R. GOODWIN**,
UNITED STATES DISTRICT JUDGE, AND A JURY

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produced by computer-aided transcription.

1 A. That is correct.

2 Q. In other words, we know from essentially the timing of
3 that article that that would have been the mechanically cut
4 version, not the laser-cut version, correct?

5 A. That is correct.

6 Q. I haven't asked you, but tell us what laser-cut mesh is.

7 A. Well, laser-cut mesh is, instead of using the guillotine
8 or some other sharp device to cut the mesh, you're using a
9 laser to cut the mesh, and that actually helps seal the edges.

10 Q. What types of things does the laser-cut mesh prevent,
11 what kind of characteristics that could be dangerous to a
12 woman?

13 A. Well, we're talking about --

14 MS. JONES: Objection, Your Honor. Foundation.

15 THE COURT: I agree.

16 MR. CARTMELL: I'll restate it.

17 BY MR. CARTMELL:

18 Q. What types of problems clinically could the laser-cut
19 mesh prevent?

20 MS. JONES: Same objection.

21 THE COURT: If any. Go ahead. Overruled.

22 THE WITNESS: Well, we saw in a previous e-mail that
23 the laser-cut mesh should lay flat so it doesn't rope or curl.
24 If you seal the edges, then you might have less flaking and
25 particle loss.

1 BY MR. CARTMELL:

2 Q. This article, what were they doing or looking at related
3 to the TVT in this article?

4 A. Well, again, they were putting it under a load to see
5 what happened to the mesh. And what they found is that the
6 TVT -- and comparing the TVT mesh to other meshes. What they
7 found was that there was a higher amount of particle loss when
8 you put tension on this mesh than the other --

9 Q. The title of this is an Independent Biomechanical
10 Evaluation of Commercially Available Suburethral Slings. Do
11 you see that?

12 A. That is correct.

13 Q. Now, the testing of the mesh in this case, was this
14 laser-cut mesh or mechanically cut mesh?

15 A. It's mechanically cut mesh.

16 Q. How do you know that?

17 A. If I remember correctly, this article came out in about
18 2007. Laser-cut mesh was just emerging onto the market around
19 that time.

20 Q. The last sentence of the Abstract states, "This may have
21 relevance to the clinical situation where particles shed
22 during surgical manipulation, may end up in the surrounding
23 soft tissues with unpredictable impact on future success." Do
24 you hear that?

25 A. That is correct.

1 Q. What does that mean?

2 A. Well, this means that when these particles break off and
3 flake and start getting into the tissue, we don't know what
4 impact that's going to have in the future.

5 Q. It states on -- if you would, go to page 10. Page 10,
6 last sentence, it states, on the bottom, "During surgical use,
7 these particles are released. These particles are released in
8 soft issue and it is not possible to know where they go."

9 What's your understanding of that or why is that
10 significant?

11 A. Well, you don't know whether it's going to stay right in
12 the area where it fell. It could migrate to some other
13 location and create problems in either the location where the
14 particles initially fell or where they migrated to.

15 Q. And under Conclusions on the next page, in the right-hand
16 column it states, "Clinical experience tells us that lower
17 elasticity tapes such as TVT, SPARC, and Uretex have
18 comparable clinical outcomes, but the very high particle
19 shedding of both SPARC and TVT may be of significant long-term
20 clinical concern in some quarters." Do you see that?

21 A. Yes.

22 Q. When it says "clinical concern," what does it mean?

23 A. Well, that's a concern about whether this will lead to
24 complications.

25 Q. And on the next page are the findings of the

1 MR. CARTMELL: Yes, sir.

2 THE COURT: 803 may be admitted to the extent
3 that we discussed during the break, and with the
4 understanding, Doctor, that it's the kind of information,
5 anecdotal reports, that you would rely upon from
6 professional colleagues in forming opinions?

7 THE WITNESS: That is also correct.

8 BY MR. CARTMELL:

9 Q. What is your understanding of what this document is?

10 A. Well, this is a synopsis of interviews from 21
11 surgeons from around the globe, talking about their
12 experience with pelvic floor mesh.

13 Q. I want to refer you to several pages in, to the
14 interview, response from Dr. Hilton?

15 A. Yes.

16 Q. And who is Dr. Hilton?

17 A. Dr. Hilton is a very well known urogynecologist in
18 England.

19 Q. And according to the document, Dr. Hilton responded to
20 the company during an interview related to particles
21 falling off of Prolene mesh; is that correct?

22 A. That is correct.

23 Q. And let me ask you, is your knowledge that when
24 meshes, whether Prolene mesh or other polypropylene
25 meshes, are cut, machine cut, is it your experience or

1 knowledge or training or from your review in this case
2 that there can be pieces falling off the mesh?

3 A. Yes.

4 Q. Okay. And what does Dr. Hilton tell Ethicon as a
5 result of this interview?

6 A. That small particles can migrate and cause pain during
7 intercourse.

8 Q. Based on your experience and training, your knowledge
9 in this case, have you established an opinion whether or
10 not small particles from the TVT mesh can fall off the TVT
11 into a woman's vaginal tissues and cause pain?

12 A. Yes.

13 MS. JONES: Objection, your Honor.

14 THE COURT: Overruled. You may answer.

15 BY MR. CARTMELL:

16 Q. What is that opinion?

17 A. My opinion is that these particles can fall off into
18 the vagina and cause pain. I've seen that in patients
19 myself.

20 Q. Thank you, Doctor.

21 Now I want to talk to you -- switch gears a little
22 bit, and I want to talk to you about the studies that you
23 say you have reviewed. And have you done a thorough
24 review of the TVT studies?

25 A. Yes.